

State of South Carolina

County of Horry

Mary Duffy Purdy,

Plaintiff,

vs.

Circle K Stores Inc.,

Defendant.

In the Court of Common Pleas  
15<sup>th</sup> Judicial Circuit

**SUMMONS**  
(Premises Liability)

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your Answer to said Complaint on the O'Neil Law Firm, 1357 21st Avenue, Suite 103, Palmetto Business Center, P.O. Box 3909, Myrtle Beach, SC 29578-3909, within thirty (30) days after the service hereof, exclusive of the date of such service; and if you fail to answer this Complaint within 30 days, judgment by default will be rendered against you in Court for the relief demanded in the Complaint.

February 4, 2022

/s/William F. O'Neil, III  
Attorney for the Plaintiffs  
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**COMPLAINT**  
(Premises Liability, Jury Trial Demanded)

The Plaintiff, complaining of the Defendant herein, alleges:

1. That the Plaintiff Mary Duffy Purdy is a resident and citizen of the County of Horry, State of South Carolina.
2. That Defendant, Circle K Stores Inc., is a Corporation formed under the laws of the State of Texas and headquartered in Tempe, Arizona and which conducts substantial business in Horry County, SC.
3. That on or about September 05, 2021, Plaintiff was a customer at one of the Defendant's convenience store gas stations located at 4999 Carolina Forest Blvd., Myrtle Beach, SC, 29579.
4. That hereafter "Defendant" shall refer to Circle K Stores Inc.
5. As Plaintiff was walking into the store, she tripped on a improperly placed entrance floor mat which had been improperly pushed against the entrance and injured her right shoulder, requiring surgery.
6. That the Defendant controlled and had actual notice or should have had notice of the dangerous condition, and that it was by and through the negligent, grossly

negligent, careless, reckless, wilful and wanton acts or omissions of the Defendant that the Defendant failed to use reasonable care in the proper placement of the floor mat.

7. That the Defendant created or knew or should have known of the dangerous condition of it's entrance in question.
8. That the Defendant had, or should have had, adequate opportunity to inspect and correct the placement of the entrance floor mat, and that it was by and through the negligent, grossly negligent, careless, reckless, willful an wanton acts or omissions of the Defendant that the Defendant failed to maintain the entrance floor mat, thereby to avoid injury to the Plaintiff.
9. That at the time and place previously mentioned, the Defendant was negligent, careless, reckless, wilful and wanton in one or more of the following particulars, to wit:
  - a. In then and there failing to adequately inspect the convenience store entrance and entrance floor mat;
  - b. In failing to warn customers of the unsafe and dangerous nature of the convenience store entrance and entrance floor mat;
  - c. In failing to take reasonable measures to reduce the hazardous condition of the convenience store entrance;
  - d. In then and there failing to exercise that degree of care which a reasonable and prudent convenience store and gas station would have exercised under the same or similar circumstances;
  - e. In not making prompt adjustments to the entrance floor mat to ensure it was

laying flat;

- f. In failing to ensure the floor mat was of the proper type; of good quality, in good condition, and properly maintained;
  - g. In failing to utilize a mat that meets ANSI/NFSI and other applicable standards and codes for the use in question.
  - h. In failing to properly train it's employees to reduce the hazards of front entrance mats and if employees were trained in failing to supervise the employees to ensure they were following safely rules and training regarding the mat in question.
9. That as a direct and proximate result of the negligent, grossly negligent, careless, reckless, wilful and wanton acts or omissions of the Defendant, the Plaintiff suffered severe injuries to:
- a) right shoulder that required a rotator cuff surgery;
  - b) left elbow, including a bloody cut;
  - c) right arm, elbow and wrist, including bruising;
  - d) both knees.
10. As a result of the Defendant's acts or omissions, Plaintiff suffered the following damages:
- a. Medical expenses in the past and future;
  - b. Physical pain and mental suffering in the past and future;
  - c. Physical impairment in the past and future;
  - d. Lost wages and injuries which may affect future earning potential.
  - e. Other inconveniences, economic damages and loss of enjoyment of life as

will be proven at trial.

11. That the Plaintiff is informed and believes that Plaintiff is entitled to judgment in this matter for actual and punitive damages in an appropriate amount.

WHEREFORE, Plaintiff demands judgment against the Defendant for

- a) Actual and punitive damages in the appropriate amount;
- b) For a trial by jury;
- c) For the costs of this action and prejudgment interest;
- d) For such further relief available under the law and as the court may allow.

February 4, 2022

/s/William F. O'Neil, III  
Attorney for the Plaintiff  
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